

In response to the August 7, 2008 Office Action,
please enter the following Remarks, which begin at page 3 of
this document:

Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-5, 9, and 11-30 are pending in the application. Claims 1 and 22 are independent.

Claims 1-5, 9, and 11-30 were rejected as being unpatentable over Berberet, Gerba, and Sezan, for the reasons noted at pages 2-8 of the Office Action. Applicants respectfully traverse all art rejections.

Initially, Applicants respectfully request that the finality of the September 3, 2008 Office Action be withdrawn. In particular, at page 2 of the Office Action, the Examiner states that he was relying on Sezan for claim features argued in Applicants prior Amendment. However, those features of Sezan were NOT relied upon in the prior Office Action. Therefore, this is a new ground of rejection. As the Office Action does not state that this is a new ground of rejection, or that Applicants' amendment necessitated the new ground of rejection, it is submitted that this Office Action was improperly made final, and withdrawal thereof is respectfully requested.

With respect to independent Claims 1 and 22, the Office Action states that Berberet discloses structure "to enable a user to select one or more pixel objects (a particular video frame or parts of a video programs [sic] - paragraph 0087,

lines 1-10)." However, the claims actually recite: "each linked video file comprising (i) a pixel object file which identifies the frame and location within the frame of a selected pixel object in said frame and at least one subsequent frame, and (ii) a data object file separate from but linked to said pixel object file, said data object file including data corresponding to the selected pixel object." Whereas the referenced portion of Berberet merely states

[0087] In addition, the subscriber is able to record and save programs and parts of programs in a personal Subscriber Video Scrapbook, and to later edit them or transfer them to tape or other physical media. Subscribers can record material from as many different channels at the same time as they desire. In order to minimize video storage requirements, the system is able to store subscriber recordings in the form of pointers to frames of video in a single copy of a program instead of storing actual copies of the frames of video themselves.

As is clear from the above, Berberet does not disclose selecting "a particular video frame" as is alleged in the Office Action. Moreover, Berberet fails to disclose or suggest the claimed: "pixel object file which identifies the frame and location within the frame of a selected pixel object in said frame and at least one subsequent frame."

Furthermore, the Office Action states that the above-referenced portion of Berberet discloses structure to "link said pixel objects selected by said user to alternate resource

platforms." First, since Berberet fails to disclose the claimed pixel object file, it can not disclose linking them to anything. Second, a fair reading of the above paragraph [0087] shows that it does not disclose linking pixel object files to data object files.

Accordingly, all rejections based on Berberet should be withdrawn.

Applicants note that the Office Action applies the terms of the **references** to describe the relationship between the claims and the art. This is confusing to the Applicants and to the public record. If this rejection is maintained, the Applicants respectfully request that the terms of the **claims** be used to describe the relationship between the claims and the art.

The Office Action goes on to admit that Berberet fails to disclose "separate linked video files", but points to Gerba for such a disclosure, relying on Fig. 2 and Col 5, lines 5-51:

As a next step in implementing the system illustrated in FIG. 1, the program may be viewed by a human operator, before the program is to be transmitted to users, so that the operator may determine and record the sequential codes for the actionable events. For example, in a certain program it may be determined that "silver spaceship appears at sequential codes 1:13:43 through 1:14:17" or, in a hosted program guide, that the "on-screen host discusses Westerns at

sequential codes 2:42:02 through 2:48:25." At this point there exists a set of data containing unique indicators for each actionable event in the programming in the form of sequential code data associated with each of those actionable events.

After the actionable events in a given program have been identified using the associated sequential code data, the overlay functions that will be made available to the user and the interface through which the availability of the overlay functions will be presented to the user and through which the user will access the overlay functions, can be created for the program. Instructions to be used by the set-top box to allow the user to select overlay functions will be included as part of the interface data. As one example of the implementation of interface data, user input can be determined by defining a screen area of the user's audiovisual display unit which may be actively selected by a user, and implementing the corresponding overlay function if the user selects the defined screen area using a cursor or some other means for indicating the selection of a certain screen area. For example, the two-dimensional (X, Y) screen coordinates defining a selectable area of the screen may be sent to the set-top box as part of the interface data. Alternatively, the interface data defining a selectable screen area might include the two-dimensional coordinates of a single point on the screen and the radius of a circle centered at the single point. The set-top box may be programmed to generate the areas defined by the interface data. In addition to defining the selectable screen areas, the interface data may also include visual indicators, or overlays, which will appear over the program shown to the viewer during the actionable event to indicate where the selectable screen areas are located. For example, a certain object appearing on the screen may be highlighted

in a certain transparent color to indicate to the user that the object may be selected with a cursor to perform an overlay function while the object is highlighted. As another example, the interface data may include a graphical, animated or live-action icon that will appear at a certain area on the screen while the actionable event is occurring. In this example, the location of the icon would coincide with a selectable screen area so that the user may implement an associated overlay function by selecting the icon.

Respectfully, there is nothing here which discloses the claimed: "each linked video file comprising (i) a pixel object file which identifies the frame and location within the frame of a selected pixel object in said frame and at least one subsequent frame, and (ii) a data object file separate from but linked to said pixel object file, said data object file including data corresponding to the selected pixel object." Again, if this rejection is to be maintained, the examiner is respectfully requested to apply the claim terms to the appropriate teaching in the art.

The Office Action then goes on to admit that "Berberet and Gerba fail to disclose that the linked video file comprises a pixel object file which identifies the frame and location within the frame of a selected pixel object in said frame and at least one subsequent frame, and a data object file separate from but linked to said pixel object file, said data object file including data corresponding to the selected pixel object." The

Office point to Sezan to fill this deficiency. The Examiner refers to Fig. 20 and Col. 30, lines 9-19:

Referring to FIG. 20, the object description scheme 482 defines the interrelationships between groups of pixels of the same and/or different frames of the video representative of objects. The object description scheme 482 may contain another object description scheme and thereby form an object tree. Such an object tree may be used to define an object index table for a video program. The object description scheme may also contain references which link the object to the corresponding segments and/or regions specified in the syntactic structure description scheme.

Again, there is nothing here which discloses or teaches the claimed: "each linked video file comprising (i) a pixel object file which identifies the frame and location within the frame of a selected pixel object in said frame and at least one subsequent frame, and (ii) a data object file separate from but linked to said pixel object file, said data object file including data corresponding to the selected pixel object." Again, if this rejection is to be maintained, the examiner is respectfully requested to apply the claim terms to the appropriate teaching in the art.

The Examiner's attention is respectfully directed to the following actions in a generally-related case A.N.,

10/786,777 and especially to the last Office Action and

Response:

Date	Transaction Description
08-26-2008	Case Docketed to Examiner in GAU
08-07-2008	Mail Final Rejection (PTOL - 326)
08-06-2008	Final Rejection
05-29-2008	Information Disclosure Statement considered
05-29-2008	Information Disclosure Statement considered
05-29-2008	Reference capture on IDS
05-29-2008	Electronic Information Disclosure Statement
05-29-2008	Electronic Information Disclosure Statement
07-01-2008	Date Forwarded to Examiner
05-22-2008	Response after Non-Final Action
05-22-2008	Request for Extension of Time - Granted
05-29-2008	Information Disclosure Statement (IDS) Filed
05-29-2008	Information Disclosure Statement (IDS) Filed
02-15-2008	Mail Examiner Interview Summary (PTOL - 413)
02-15-2008	Mail Non-Final Rejection
02-13-2008	Non-Final Rejection
01-07-2008	Information Disclosure Statement considered
01-25-2008	Date Forwarded to Examiner
01-25-2008	Date Forwarded to Examiner
01-05-2008	Request for Continued Examination (RCE)
01-25-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
01-15-2008	Information Disclosure Statement (IDS) Filed
01-07-2008	Information Disclosure Statement (IDS) Filed
01-07-2008	Workflow - Request for RCE - Begin
12-20-2007	Examiner Interview Summary Record (PTOL - 413)
11-20-2007	Notice of Appeal Filed
11-20-2007	Request for Extension of Time - Granted
09-26-2005	Information Disclosure Statement considered
09-26-2005	Information Disclosure Statement (IDS) Filed
05-14-2007	Information Disclosure Statement (IDS) Filed
05-23-2007	Mail Final Rejection (PTOL - 326)
05-21-2007	Final Rejection
01-30-2007	Information Disclosure Statement considered
01-31-2007	Information Disclosure Statement considered
05-14-2007	Information Disclosure Statement considered
05-14-2007	Information Disclosure Statement considered
05-14-2007	Information Disclosure Statement considered

05-14-2007	Information Disclosure Statement considered
05-14-2007	Information Disclosure Statement (IDS) Filed
05-14-2007	Information Disclosure Statement (IDS) Filed
05-14-2007	Reference capture on IDS
05-14-2007	Information Disclosure Statement (IDS) Filed
05-12-2007	Date Forwarded to Examiner
05-10-2007	Response after Non-Final Action
05-10-2007	Request for Extension of Time - Granted
01-31-2007	Reference capture on IDS
01-31-2007	Information Disclosure Statement (IDS) Filed
01-31-2007	Information Disclosure Statement (IDS) Filed
01-30-2007	Information Disclosure Statement (IDS) Filed
01-30-2007	Information Disclosure Statement (IDS) Filed
02-14-2007	Mail Miscellaneous Communication to Applicant
02-13-2007	Miscellaneous Communication to Applicant - No Action Count
01-19-2007	Mail Non-Final Rejection
01-18-2007	Non-Final Rejection
10-23-2006	Information Disclosure Statement considered
01-09-2007	Date Forwarded to Examiner
12-21-2006	Response after Non-Final Action
12-07-2006	Mail Notice of Informal or Non-Responsive RCE Amendment
12-04-2006	Notice of Informal or Non-Responsive RCE Amendment.
12-04-2006	Date Forwarded to Examiner
12-04-2006	Date Forwarded to Examiner
11-27-2006	Request for Continued Examination (RCE)
12-04-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
11-27-2006	Workflow - Request for RCE - Begin
10-23-2006	Reference capture on IDS
10-23-2006	Information Disclosure Statement (IDS) Filed
10-23-2006	Information Disclosure Statement (IDS) Filed
10-30-2006	Mail Final Rejection (PTOL - 326)
10-29-2006	Final Rejection
10-05-2006	Date Forwarded to Examiner
10-02-2006	Response after Non-Final Action
07-20-2006	Mail Non-Final Rejection
07-18-2006	Non-Final Rejection
06-28-2006	Date Forwarded to Examiner
06-28-2006	Date Forwarded to Examiner
06-12-2006	Request for Continued Examination (RCE)
06-28-2006	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
06-12-2006	Request for Extension of Time - Granted
06-12-2006	Workflow - Request for RCE - Begin
03-21-2006	Case Docketed to Examiner in GAU
02-10-2006	Mail Final Rejection (PTOL - 326)

02-06-2006	Final Rejection
01-24-2006	Date Forwarded to Examiner
01-17-2006	Response after Non-Final Action
06-01-2005	Information Disclosure Statement considered
02-25-2004	Information Disclosure Statement considered
11-28-2005	Corrected filing receipt
11-28-2005	Preliminary Amendment
11-30-2005	Mail Non-Final Rejection
11-28-2005	Non-Final Rejection
10-07-2005	Mail-Record Petition Decision of Granted to Make Special
09-26-2005	Petition Entered
09-07-2005	Case Docketed to Examiner in GAU
07-22-2005	IFW TSS Processing by Tech Center Complete
07-22-2005	Case Docketed to Examiner in GAU
06-01-2005	Reference capture on IDS
06-01-2005	Information Disclosure Statement (IDS) Filed
06-01-2005	Information Disclosure Statement (IDS) Filed
02-25-2004	Reference capture on IDS
02-25-2004	Information Disclosure Statement (IDS) Filed
02-25-2004	Information Disclosure Statement (IDS) Filed
02-25-2004	Preliminary Amendment
02-25-2004	Preliminary Amendment
02-01-2005	Transfer Inquiry to GAU
08-16-2004	Transfer Inquiry to GAU
08-12-2004	Application Return from OIPE
08-12-2004	Application Return TO OIPE
08-12-2004	Application Dispatched from OIPE
08-12-2004	Application Is Now Complete
07-19-2004	Additional Application Filing Fees
07-19-2004	Applicant has submitted a new specification to correct Corrected Papers problems
05-17-2004	Corrected Paper
03-29-2004	Cleared by OIPE CSR
03-08-2004	IFW Scan & PACR Auto Security Review
02-25-2004	Initial Exam Team nn

In view of the above, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All

correspondence should continue to be directed to our address
given below.

Respectfully submitted,

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